

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ASHLEY ROBLES,	§	
<i>Plaintiff,</i>	§	Civil Action No.
	§	
VS.	§	
	§	
DOLLAR TREE STORES, INC.	§	
<i>Defendant.</i>	§	

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant Dollar Tree Stores, Inc. ("Defendant") files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully shows:

**Commencement and Service**

1. On June 24, 2021, Ashley Robles ("Plaintiff") commenced this action by filing an Original Petition ("State Court Petition") in the 157<sup>th</sup> District Court, of Harris County, Texas. The case is styled Cause No. 2021-38004; *Ashley Robles v. Dollar Tree Stores, Inc.*<sup>1</sup> Plaintiffs seek monetary relief over \$1,000,0000.
2. The lawsuit was first served on Defendant on July 8, 2021.<sup>2</sup>
3. Defendant timely answered in state court on July 30, 2021.<sup>3</sup>
4. This Notice of Removal is filed within thirty days of the receipt of service of process and is therefore considered timely pursuant to 28 U.S.C. § 1446(b). This Notice of Removal is also filed within one year of the commencement of this action and is thus timely pursuant to 28 U.S.C. § 1446(c).

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<sup>1</sup> See **Exhibit C**, Plaintiffs' Original Petition.

<sup>2</sup> See **Exhibit E**, Notice of Service on Dollar Tree, Inc.

<sup>3</sup> See **Exhibit F**, Defendant's Original Answer and Affirmative Defenses.

### **Grounds for Removal**

5. Defendant is entitled to remove the state court action to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 because this action is a civil action involving an amount in controversy exceeding \$75,000.00 between parties with diverse citizenship.

### **Diversity of Citizenship**

6. There is complete diversity of citizenship between Plaintiff and Defendant.

7. Plaintiff is a citizen of Texas.<sup>4</sup>

8. Defendant Dollar Tree Stores, Inc. is not a citizen of Texas. Defendant Dollar Tree Stores, Inc. is a Virginia corporation with its principal place of business, in Chesapeake, Virginia. In determining whether there is diversity jurisdiction, a corporation that is a party is considered to be a citizen of both its state of incorporation and its principal place of business.<sup>5</sup> Therefore, Defendant is a citizen of Virginia.<sup>6</sup>

### **Amount in Controversy**

9. This is a personal injury case with over \$75,000 in controversy at the time of this removal. Per Plaintiff's Petition, pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief in an amount over \$1,000,000.<sup>7</sup>

### **Venue**

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<sup>4</sup> See **Exhibit C**, Plaintiffs' Original Petition at ¶ 4.

<sup>5</sup> See, 28 U.S.C § 1332(c)(1); *see also*, *Hertz Corp. v. Friend*, 559 U.S. 77, 130 S. Ct. 1181, 1185-86 (2010).

<sup>6</sup> See **Exhibit I**, Dollar Tree Stores, Inc.'s Annual Report Virginia State Corporation Commission filing.

<sup>7</sup> See **Exhibit C**, Plaintiffs' Original Petition at ¶ 1.

10. Venue lies in the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because Plaintiff filed the action in this judicial district and division.

**Notice**

11. Defendant will give notice of the filing of this Notice of Removal to all parties of record pursuant to 28 U.S.C. § 1446(d). Defendant will also file with the clerk of the state court and will serve upon Plaintiffs' counsel, a notice of the filing of this Notice of Removal.

**Exhibits to Notice of Removal**

12. In support of this Notice of Removal and pursuant to 28 U.S.C. §1446(a), true and correct copies of the following documents are attached to this Notice as corresponding lettered exhibits:

- A. Index of documents filed in Cause No. 2021-38004; *Ashley Robles vs. Dollar Tree Stores, Inc.*, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas.– ***Exhibit A***
- B. Docket Sheet for Cause No. Cause No. 2021-38004; *Ashley Robles vs. Dollar Tree Stores, Inc.*, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas. –***Exhibit B***
- C. Plaintiffs' Original Petition filed on June 24, 2021, Cause No. 2021-38004; *Ashley Robles vs. Dollar Tree Stores, Inc.*, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas.– ***Exhibit C***
- D. Citation issued on June 24, 2021, Cause No. 2021-38004; *Ashley Robles vs. Dollar Tree Stores, Inc.*, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas. – ***Exhibit D***
- E. Notice of Service dated July 8, 2021, Cause No. 2021-38004; *Ashley Robles vs. Dollar Tree Stores, Inc.*, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas. – ***Exhibit E***

F. Defendant's Original Answer and Affirmative Defenses filed July 30, 2021, Cause No. 2021-38004; *Ashley Robles vs. Dollar Tree Stores, Inc.*, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas. – ***Exhibit F***

G. Certificate of Interested Persons – ***Exhibit G***

H. Notice of Filing Removal in State Court – ***Exhibit H***

I. Dollar Tree Stores, Inc.'s Annual Report Virginia State Corporation Commission Filing – ***Exhibit I***

**Prayer**

WHEREFORE, Defendant, pursuant to the statutes cited herein and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes this action from the 157<sup>th</sup> Judicial District Court of Harris County, Texas to this Court.

Respectfully submitted,

By: /s/ Karl Seelbach

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***ATTORNEYS FOR DEFENDANT***



**Doyle & Seelbach**

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic delivery to counsel identified below on this, the 5<sup>th</sup> day of August, 2021.

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